HON'BLE SRI JUSTICE B. PRAKASH RAO

AND

HON'BLE Dr. JUSTICE G. YETHIRAJULU

Writ Appeal No.1882 of 2005

Oral Judgment: (per Hon'ble Sri Justice B. Prakash Rao)

...

1. Heard both sides.

2. At the request of the learned counsel for the parties, the main appeal itself is taken up for hearing and disposal.

3. This appeal is at the instance of the Corporation, as against an interim order passed on 6-11-2003 for continuing the respondent till the attainment of the age of superannuation. In the main writ petition, the petitioner seeks to assail the impugned order whereunder he was sought to be retired on the basis of an entry in regard to the date of birth. However, during the course of arguments, the learned counsel for the respondent- Corporation has brought to our notice that even as per the date of birth given by the writ petitioner, he would retire by now. In as much as the petitioner had retired, no direction can be given in the writ appeal and the writ petition has to be decided on its own merits. The writ appeal is accordingly disposed of directing the office to post the writ petition itself for final hearing before the regular court hearing writ petitions immediately after Dasara Vacation.

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(B. Prakash Rao, J)

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(Dr.G. Yethirajulu, J)

4th October 2005

svs